

**REMARKS**

In the Office Action, the Office indicated that claims 1 through 19 are pending in the application and the Office rejected all of the claims.

**The Claim Objections**

On page 2 of the Office Action, the Office objected to claim 10 for various informalities. Applicant notes that although it is stated only that "Claim 10 is objected to," Claim 2 has also been cited as requiring correction ("... the "(" and ")" should be removed."). Applicant does not see the "parentheses" in the second line of claim 2, but believes the Office is objecting to the manner in which the abbreviation for "customer service representative" is set forth in line 3 of claim 2. Applicant has amended this portion of claim 2 to make the abbreviation consistent with other abbreviations appearing in the claims. Regarding claim 10, Applicant has amended step (a) of claim 10 in accordance with the Office's requirement.

In view of the above, the Office is respectfully requested to reconsider and withdraw the objections to claims 2 and 10.

**Rejection under 35 U.S.C. §102**

On page 2 of the Office Action, the Office rejected claims 1-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,284,061 to Matsubayashi et al.

**The Cited Prior Art Does Not Anticipate the Claimed Invention**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) M.P.E.P. §2131.

**The Claimed Invention**

The claimed invention is directed to accessing customer support services by an end-user of a wireless device. The "customer support services" involved in the claimed invention are clearly defined in the specification, for example, in paragraph [0002] of the published application:

A customer support service is any kind of service offered to an end-user of a wireless information device that helps the end-user fully or properly take advantage of a product or service that is designed to be used by the end-user. It therefore covers help systems from wireless service providers as well as any other kind of customer service function (e.g. call centres, enquiries, sales etc) provided by another organisation, such as a bank, games developer, IT help desk of the end-users' employer etc.

Quite clearly, the present application is dealing with streamlining the customer support process experienced by, in the claimed embodiment, users of wireless devices. The customer support service experience in such situations typically involves long wait times on "hold" while waiting for assistance. The claimed invention helps make the experience better by providing a method and system whereby a data connection is opened between the end-user's device and a customer support computer; a support requirement is communicated to the customer service

computer; the data connection is kept open while the device progresses up a queue of an automated queuing system connected to the customer support computer; and a predefined action is initiated that meets the support requirement before the device reaches the top of the queue or when the device reaches the top of the queue.

**U.S. Patent No. 7,284,061 to Matsubayashi et al.**

U.S. Patent No. 7,284,061 to Matsubayashi et al. ("Matsubayashi") discloses a method by which exclusive control of a device (a network printer) is obtained. Remote communication is established with the device and a request for the exclusive control of the device is made, a user requesting the control is authenticated to have the exclusive control, and the exclusive control is provided once the user has been authenticated.

**The Office Has Not Established a *Prima Facie* Case of Anticipation**

Each and every element as set forth in the claims herein can NOT be found in Matsubayashi and thus, the claims are not anticipated by Matsubayashi as a matter of law. Each of the independent claims (and thus all of the claims), expressly require that a data connection be opened between the device and a customer support computer; that a support requirement be communicated to the customer service computer; that the data connection be kept open while the device progresses up a queue of an automated queuing system connected to the customer support computer; and that a predefined action be initiated that meets the support requirement before the device reaches the top of the queue or when the device reaches the top of the queue.

Matsubayashi contains no mention whatsoever of customer support services, let alone services as specifically defined in the present application. Further, Matsubayashi mentions nothing about a user having a support requirement, or that such a support requirement is communicated to a customer support computer over an open data connection between the device and the customer support computer. In addition, Matsubayashi mentions nothing about the initiating of a predefined action that satisfies the customer support requirement before or when the device reaches the top of a queue. It appears to the Applicant that the only possible point of similarity between Matsubayashi and the claimed invention is that both involve a wireless communication between two devices, and Applicant does not claim this to be novel.

As mentioned above, each of the independent claims recite novel elements neither taught nor suggested by Matsubayashi. Thus, the claimed invention is not anticipated by Matsubayashi under 35 U.S.C. § 102 and patentably defines over Matsubayashi.

Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of claims 1-19 under 35 USC §102.

### **Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to applicant's Deposit Account No. 50-4364.

Respectfully submitted

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Date

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